

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
JUNE 21, 2005

1. WORKSHOP MEETING

- 1.1 Council President Wilson called the meeting to order at 6:35 p.m.
- 1.2 Roll Call: Council President Wilson; Councilors Sherwood and Woodruff. Mayor Dirksen arrived at 7 p.m.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

Note: The Agenda was reviewed out of order; Agenda Item 4 was considered first.

2. HERITAGE TREE PROGRAM PRESENTATION

Tree Board Members Present: Chair Gillis; Board Members Callan and Cancelosi.

Chair Gillis reviewed the Heritage Tree Program. The draft program elements were presented in the Council's packet materials and are on file in the City Recorder's office.

There was discussion about whether the Program provided incentives for participation. A Board member advised that "people like to do this." Incentives are not usually monetary and it is not known if any tax incentives could be made available. Urban Forester Stine said one incentive might be that he could offer assistance to owners of Heritage Trees by giving advice about how to maintain the health of a tree.

Also discussed was how to determine if a tree should be designated as a Heritage Tree and that the designation should be somewhat selective so the honor would have value. Trees should be "trees of significance."

Urban Forester Stine advised that the City of Albany provides Heritage Tree tours. There was a comment that perhaps Tigard could sponsor a Heritage Home and Tree Tour.

Mayor Dirksen suggested that a permit be required for the removal of any Heritage Tree.

Consensus of City Council was for preliminary acceptance of the Tree Board's Heritage Tree Program.

Public Works Director Koellermeier the next step will be for staff to analyze financial and legal aspects of the draft Heritage Tree Program and then return to the City Council with an enacting resolution or ordinance for its consideration.

3. DISCUSS PENALTIES AS PROVIDED IN TREE PROTECTION SECTION OF THE DEVELOPMENT CODE

Community Development Director Hendryx reviewed this item with the City Council. During the discussion on penalties for illegal tree removal, the City Council reviewed mitigation requirements and the current tree protection provisions.

In response to a question, Urban Forester Stine said most of the damage that occurs to trees during development construction is accidental. Usually he finds that an accident has occurred because the construction plans were not checked. There were differing viewpoints offered during the discussion as to whether greater fines would provide incentive to be more careful. Mayor Dirksen said he would support heftier fines. Councilor Wilson said he believed that communication breakdown was the issue.

Community Development Director Hendryx in response to a statement from a Tree Board member who suggested fines were not being imposed on violators, reviewed recent municipal court records where fines or other consequences had been imposed. Interim City Manager Prosser reviewed how the Municipal Court Judge addresses violations of the tree code, which includes consideration of prior history of the violator and whether steps have been taken to mitigate the damage. If the violation is a repeat offense, then the maximum fine may be imposed. Also, if collection of the fine becomes a problem, the matter is turned over to a collection agency.

There was discussion about how a tree's value is assessed. Urban Forester Stine reviewed the reference resources he uses and acknowledged there is some subjectivity.

Urban Forester Stine, in response to a question from Councilor Wilson, said that often a larger tree is not cut down by contractors, which could be construed as a willful act if the tree is marked as protected. Rather, the tree might need to be removed because roots are cut or damaged during construction activity. Councilor Wilson said that "construction is a messy business" and he did not believe protected trees were usually damaged on purpose. Councilor Wilson suggested the Tigard Municipal Code be flexible since errors do occur; he said the code should be workable – not rigid. Mayor Dirksen commented there would still be a "need to deal with the consequences of human error."

Interim City Manager Prosser reviewed the possible options for City Council consideration:

1. Leave the TMC as is.
2. Increase fines.
3. Refer this matter to the Tree Board for review and recommendations.

The Tree Board has reviewed this matter and a recommendation will be scheduled for presentation to the City Council at a future meeting. After discussion, it was determined that the Tree Board will do some additional review of the penalties and forward a recommendation to the City Council.

4. PROGRESS REPORT ON HALL BOULEVARD/HIGHWAY 99W INTERSECTION IMPROVEMENT PROJECT

City Engineer Duenas introduced this item. Also present were Alex Sander from Washington County and Wayne Bauer from W&H Pacific. A copy of the PowerPoint presentation shared with the City Council is on file in the City Recorder's office. The City Council heard information on the following:

- This is an MSTIP3 Project – one of the last projects to be completed under this program.
- Existing and projected traffic conditions were reviewed.
- Budget and scheduling information highlights were reviewed.
- Hall Boulevard and 99W are Oregon Department of Transportation (ODOT) Roads
- Hall Boulevard and 99W are shown as arterial roadways on City and County transportation plans.
- Traffic study findings were reviewed:
 - 99W weekday average traffic: 47,500 vehicles
 - Hall Boulevard weekday average traffic: 13,000 vehicles
- Reviewed several aerial-view maps:
 - Existing lane and signal locations
 - Existing traffic conditions
 - 2025 no-build traffic operations
 - 2025 mitigate traffic operations
 - Conceptual Phase 1, 2, 3, and 4 Improvements
 - Cost estimates for Phase 1, 2, 3, and 4

Council reviewed in detail the conceptual phases and cost estimates and cost:benefit ratio. Traffic study findings indicate that currently the Hall Blvd./99W intersection is over-capacity at the SW Hall Blvd. approaches. To achieve adequate capacity in 2025, four improvements were recommended:

Phase 1	North-bound left-turn lane
Phase 2	East-bound through lane
Phase 3	North-bound through lane
Phase 4	West-bound right-turn lane

There was discussion on the possibility of proceeding now with Phases 1 through 3; however, allocated funding is short by \$.5 million. If phases 1-3 can be done now, traffic studies show the intersection would be adequate until 2020. Phase 4 would extend the functionality of the intersection to 2025; however, Phase 4 would cost an additional \$2.3 million.

Next steps:

- Identify possible additional funding.
- County, ODOT and City of Tigard will jointly determine if project is feasible and should move forward
- If feasible, proceed with preliminary design and public involvement

Council members asked questions to clarify the proposed phases and how to maximize the cost:benefit ratios. Council members indicated they were encouraged about the benefits of the proposed project and there was a suggestion that the Transportation Financing Strategies Task Force look at how the first three phases might be funded.

5. DISCUSS SOLID WASTE RATES AND PROGRAM CHANGES

Public Works Director Koellermeier introduced this item. Also present was Consultant Chris Bell, who reviewed a prepared presentation with the City Council. A copy of this presentation is on file in the City Recorder's office. Information shared with the City Council included:

- Authority over solid waste programs: ORS – TMC
- Rate-setting and review process
- Review of 2004 rate review process and system performance
- Projections for the current year
- Rate setting process (steps)
- Review of container and drop box charges (commercial rates)
- Proposed cart/residential rates
- Proposed container rates
- Proposed drop box rates
- New programs to consider:
 - Residential: cart recycling and weekly yard debris collection
 - Commercial program: organic (food) collection
 - Administrative: solid waste administration and support

Public Works Director Koellermeier reviewed profit-margin requirements for haulers under the current franchise agreement. Financial statements of the haulers are reviewed annually and the annual rate of return is calculated. Annual rate of return is calculated to remain between 8% and 12% and any annual review that falls outside that range automatically triggers a rate adjustment. This year, the aggregate rate of return was 7.9%. The last adjustment to rates occurred in January 2002.

There was discussion on the proposed cart recycling program. Communities using the cart recycling method report an increase in the amount of recycled materials. The carts will allow the haulers to move to an automated pick-up system, thereby reducing risk of injury to workers. The customer may place all recycled materials into one container, except for glass and motor oil. Once-a-month pick up of glass (separate from other recyclables) could be provided. Also, the amount of motor oil from residential customers is small -- used oil can be recycled by taking the oil to local oil-change businesses that will recycle it free of charge.

A closed-cart recycling program will mean that papers won't fly away on a windy day and, on a rainy day, the recycled material will stay dry, which helps with the processing of the materials collected. Public Works Director Koellermeier noted a neighboring community reported an increase of 30% of the collection of recycled materials with the advent of the type of program being proposed. The industry is moving toward a cart-recycling system.

There was a brief review of the past City Council policy to move away from commercial customers offsetting the costs for residential customers.

The recommended changes to the solid waste program were:

- Implement the residential cart collection (recycled materials) – to start January 1, 2007. Rate increase is \$0.71 per customer per month (35 gallon service would increase from \$19.65 to \$20.36 – 77% of the Tigard residential base has this level of service)
- Maintain the current level of yard debris service
- Table commercial organic collection for future consideration
- Increase franchise fee from 3% to 4%
Increase in revenue would be approximately \$101,000 for additional Staff support of solid waste and recycling programs and community enhancement projects. Impact is \$0.28 per month for the 35 gallon Cart customer and \$0.92 per month for each yard of container service.

There was discussion about the current franchise program in Tigard and whether going out for new proposals should be considered. Consultant Bell recommended that the City not pursue requests for proposals citing the

benefits of maintaining the good relationship established with the current haulers. Public Works Director Koellermeier also noted that what drives up costs is the capital investment and talked of the benefit of a long-term relationship with haulers which provides enough time to amortize the cost of the capital investments.

Consensus of the City Council was to proceed with the staff recommendation, which will be presented at an upcoming public hearing. (Recorder's Note: Hearing scheduled for July 12, 2005.)

Mayor Dirksen and Councilor Woodruff requested that during the hearing, staff present to the public the service improvements to be provided.

6. DISCUSS AMENDING THE TIGARD MUNICIPAL CODE (TMC) SECTION 7.40.180 REGARDING HOURS OF WORK FOR CONSTRUCTION NOISE

Community Development Director Hendryx introduced this agenda item. Also present was Building Official Lampella. City Council and staff discussed the current permitted hours allowed for construction noise. A chart on construction noise comparisons allowed by jurisdictions was presented and reviewed by the City Council. Tigard's restrictions appear to be "in the middle of the road."

After discussion, City Council consensus was for support for an amendment to the TMC to scale back permitted construction hours: 7 a.m. to 7 p.m., seven days a week. City Council members were advised that the Homebuilders Association has indicated concern about an immediate change. The City Council agreed that the proposed change could wait until the fall to be implemented.

7. COUNCIL LIAISON REPORTS: None

8. NON AGENDA ITEMS: None

9. EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 8:57 p.m. to discuss the employment of a public officer, employee, staff member or individual agent under ORS 192.660(2)(a).

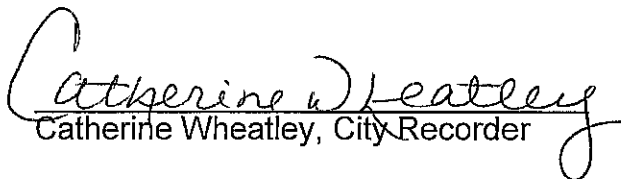
10. ADJOURNMENT

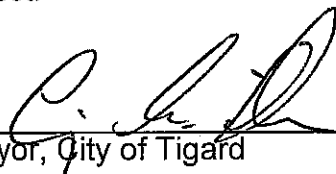
Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adjourn the meeting at 9:22 p.m.

The motion was approved by a unanimous vote of the City Council present:

Mayor Dirksen:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

Attest:


Catherine Wheatley, City Recorder



Mayor, City of Tigard

Date: July 26, 2005